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Letter dated 10 February 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the Accra III Agreement on Côte d'Ivoire, adopted on 30 July 2004, to the statement by the President of the Security Council of 5 August 2004 (S/PRST/2004/29) and to my earlier letters transmitting to the President of the Security Council the reports of the Tripartite Monitoring Group established under the Accra III Agreement.

Please find attached the ninth and tenth reports of the Tripartite Monitoring Group, covering the periods from 1 to 17 December 2004 and from 18 December 2004 to 15 January 2005 (see annexes).

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex I

[Original: English]

Implementation of the Accra III Agreement

Ninth report of the Monitoring Group

Covering the period from 1 to 17 December 2004

I. Introduction

1. The present report is prepared pursuant to the Accra III Agreement of 30 July 2004, which requested the Tripartite Monitoring Group to submit fortnightly reports on the situation in Côte d'Ivoire and on the progress made towards the implementation of the Accra III Agreement. This report covers major developments between 1 and 17 December 2004. In view of the impending seasonal and end of the year holidays, the second half of the month of December will be covered in the Tenth report which will issue for the first half of January 2005.

II. Overview

2. During the period under review, the overall situation in Côte d'Ivoire remained calm but tense in the aftermath of the armed attacks of early November. Heated and controversial debates persisted on the FANCI attacks code-named Operation Dignity, and on the response of the Licorne Force. There were daily echoes in the media of these events. The French Minister of Defence, Michele Alliot-Marie, confirmed that French troops had opened fire on civilians out of legitimate self-defence and in the context of their duty to protect civilians and evacuate foreign nationals from Abidjan. The Ivorian authorities called for an independent international inquiry into the events, in particular to determine the circumstances that led to the destruction of the entire equipment of the Ivorian National Air Force by the Licorne Forces. Daily media reports indicated the agitated mood of the public, incited by the Young Patriots movement.

3. On 10 December 2004, a decree was issued by President Gbagbo banning all demonstrations in Abidjan until 15 March 2005. This decision was taken after Charles Ble Goude, leader of the Young Patriots, had called upon his supporters for a series of mass demonstrations to demand the departure of the French troops.

4. Besides these continuing debates and reactions, the main impulse in national politics had been the impact of the African Union Facilitation Mission led by President Thabo Mbeki, the speculations over the sanctions regime decided under UN Security Council Resolution 1572 (2004) of 15 November 2004 and the looming general social ferment over the declining economic conditions and livelihood.

5. Nonetheless, it is worthy of note that during the period under review and beyond, there had been some positive developments in the peace process. The President, the Prime Minister, the political actors of all political formations, the members of the Government of National Reconciliation, and in

particular the President and deputies of the National Assembly had shown some political willingness to play their part to accelerate the process. It remained to be seen how the momentum would be sustained subsequently.

III. Developments in the peace process

The African Union Facilitation Mission

6. The African Union Mediator, President Thabo Mbeki, conducted his second mission to Côte d'Ivoire from 2 to 6 December 2004. President Mbeki mobilised a composite delegation to participate in his mission composed of certain South African officials and of some representatives of the Monitoring Committee, such as ECOWAS, AU, UNOCI, EU, the World Bank and IMF. In the course of his four-day mission, President Mbeki met several times with President Gbagbo, Prime Minister Seydou Diarra and Ministers of the Government of National Reconciliation, the President, the Bureau and major caucuses of the National Assembly, and all political forces. He then travelled to Bouake on 5 December 2004 to meet specifically with the Forces Nouvelles.

7. President Mbeki focused his presentation to and interaction with all the Ivorian parties on conveying a political message about the urgency of putting the peace process back on track in good faith. Experience so far gained in implementing the Linas-Marcoussis and Accra III Agreements had unfortunately revealed that the underlying obstacle to the peace process was the lack of mutual confidence and trust among the Ivorian parties and the absence of good faith in undertaking commitments.

8. Representatives of the World Bank and the IMF underscored the critical dimension ... the downturn of the Ivorian economy. This had tragic consequences for the country and adverse implications for the economic and political stability of the sub-region. The two financial institutions were ready to explore every means to assist Côte d'Ivoire as soon as they could receive assurance of the good faith and the sincere commitment of the Ivorian Government to the peace process as a sound basis for eventual economic recovery. These assurances were conveyed to the President, the Prime Minister and the Government during discussions with them.

9. In refining the method of presenting President Mbeki's proposals, it was agreed to formulate them in the context of a few clusters of central issues within a "**timeframe**" and not, as before, against a "**timetable**" of specific dates. The practice of setting specific dates had often led to controversy if there were any slip on implementation, as evidenced recently by the partisan reactions to the dates set under the Accra III Agreement. What follow are the broad outlines of measures proposed by President Mbeki and agreed by all Ivorian political actors under each of the five clusters of President Mbeki's mission.

i. The Legislative programme

The Government and the National Assembly agreed that the legislative programme as envisaged under the Linas-Marcoussis Agreement would be completed. The Government would forward

all outstanding legislative texts to the National Assembly for consideration. When the terms of texts adopted or planned were not in consonance with the letter and spirit of the Linas-Marcoussis Agreement, the Monitoring Committee would undertake to review and advise the National Assembly accordingly. The text of the amendment to Article 35, which was submitted to the National Assembly on 3 December 2004, was originally to be considered by the National Assembly at its extraordinary session in January 2005. However, on Tuesday 7 December 2004, the National Assembly decided to consider the text under a certificate of urgency. All other texts would be considered and completed by the end of the current session or in a relatively short space of time thereafter.

ii. DDR

All parties agreed that DDR should now be started and carried out in the context of the Agreement reached earlier in Yamoussoukro among the military Quadripartite Commission. Implementation would be the responsibility of the National Commission for the DDR (CNDDR) under the overall responsibility of the Prime Minister. Necessary consultations were under way to secure the required funding for the start-up. The Forces Nouvelles, however, insisted on the support of only UNOCI forces in the carrying out of the exercise in the zones under their control.

iii. Functioning of the Government of National Reconciliation

There was urgency in bringing back together all the Ministers of the Government. It was agreed that all the Ministers should return to their posts and work together as a team to ensure that the Government functioned properly and effectively. The Government should be enabled to work to implement its programme formulated in accordance with the Linas-Marcoussis Agreement and in conformity with the Decree on delegation of powers to the Prime Minister signed by President Laurent Gbagbo. However, the question of security had to be improved for the safety of Ministers. Other issues such as adequate resources available for the effective functioning of Ministers were to be addressed by the Prime Minister.

iv. Creating a climate conducive to free political activity and Functioning of State Institutions

There were a number of important measures agreed to enhance general security in society: joint patrols in Abidjan with FANCI and UNOCI forces; the "Young Patriots" to be encouraged to get off the streets; restoration of the regular management of the RTI; and an end to the hate campaign in the media.

v. Restoration of social services and redeployment of administration throughout the country

As an integral part of the objective of reunification, measures would be taken progressively to urgently restore social services (schools and hospitals) and public utilities such as water and

electricity. The breakdown of these services had been due partly to actions aimed at victimising the population in their support of the rebellion and partly due to lack of maintenance and to revenue deficits in the affected areas. The urgency of remedial action had reached serious health proportions and educational standards. Concomitant with the restoration of these services was the redeployment of administration and judiciary. Altogether, the benefits would result in the free movement of persons, goods and services and the progressive restoration of economic life in the zones under the control of the Forces Nouvelles.

10. All these measures agreed under the Programme of action, as indicated by President Mbeki, would now require more effective and proactive follow-up mechanisms of the Monitoring Committee (Linas-Marcoussis) and of the Tripartite Monitoring Group (Accra III). The task was left in the hands of the Monitoring mechanisms to face up to the new challenges.

11. During the course of the mission, the question was raised frequently about the increased role of UNOCI in its peacekeeping operations in Côte d'Ivoire. This is evident in the area of security – for protective custody, for the DDR and for the possible extended presence of UNOCI troops in the areas currently under the control of the Forces Nouvelles. These issues would need to be carefully worked out and assessed for realistic implementation within a new mandate and with additional resources. To accelerate the pace of the peace process, the role of the Monitoring Committee would require improvement in order to be proactive and more effective than hitherto.

Follow-up developments after the Mbeki Mission

12. At the initiative of the Prime Minister, meetings have been held between UNOCI, the Government of National Reconciliation and the National Defence and Security Forces (FDS) focusing on: (a) the security of Ministers; (b) the institution of Joint patrols; (c) the dismantling of the various checkpoints in Abidjan and; (d) the disarmament of militia and paramilitary units.

13. On the security of Ministers, there had been a review of the current arrangements (i.e. Government security forces taking charge of the residences, offices and movements of some 26 Ministers and UNOCI securing those of the 12 FN Ministers and officials). To address the new security needs following the November events, it was of utmost urgency to revamp existing security arrangements. These would include providing to the National Defence and Security Forces (a) enhanced logistics and additional staff complement; (b) improved training on close protection.

14. In this connection, UNOCI reported that the Secretary-General had recommended to the Security Council that its security response be upgraded, logistic and staff-wise.

15. Reducing the security risks to the seat of the Government, especially in Abidjan, was central to effectively addressing the other components of the Mbeki plan of action. Due to the inadequacy of resources and logistics of the Defense and Security Forces and the lack of coordination between the DSF and UNOCI, there was a feeling that if those impediments are not resolved in due course, the success of joint patrols could be jeopardized.

16. On the control of checkpoints, it was agreed that the current existence of numerous checkpoints was detrimental not only to the peace process but also to the reactivation of and recovery in economic activities. An implementation strategy would be drawn up that would build on: (a) the already existing Government (Army Chief of Staff) plan and; (b) the Joint Security Matrix agreed upon between the Government and the UN Security Management Team (UNSMT).

17. The Prime Minister has agreed that all efforts would be made to ensure that the Forces Nouvelles attend these technical consultative meetings. After review, the Minister of Security would make a presentation to the Council of Ministers in order to seek the Government's concurrence and effective support including the provision of adequate resources for the implementation of measures related to security.

18. Following President Mbeki's mission and at the request of the Secretary General of the Forces Nouvelles, a UNOCI team went to Bouake, on 14 December 2004, to (a) discuss DDR and security related matters, with the Forces Nouvelles, and seek their perspectives, (b) update the Forces Nouvelles on the DDR preparations and (c) agree on the way forward.

19. The UNOCI Team confirmed that funding would be secured for the initial phase of the DRR originally planned in the Eastern part of the country (Boundokou - Bouna) and that all measures would be taken to provide security for DDR sites and zones as planned in the Joint Operations Plan. It was emphasized that take-off of the DRR process would create momentum to further enhance confidence and secure resource mobilization for the subsequent phases of the DDR programme.

The Legislative Programme

20. On 6 December 2004, the National Assembly's Committee on Institutional and General Affairs unanimously adopted the text on the Legal Regime Governing the Press. On 7 December 2004, the same Committee adopted the text on the Legal Regime Governing the Audiovisual Media.

21. On 9 December 2004, the National Assembly at its Plenary Session adopted the Independent Electoral Commission Law. The RDR criticised the text because in their opinion, it did not reflect the spirit and letter of the Linas-Marcoussis Agreement.

22. The draft text on the amendment to Articles 35 and 55 of the Constitution was considered by the Committee on 10 December and adopted.

23. On 17 December 2004, the amendment to the Citizenship Code, the Special Law on Naturalization and the law consenting to a proposed amendment to Articles 35 and 55 of the Constitution by the National Assembly were adopted by the National Assembly in its Plenary Session. The organic law on the regulation of referenda in Côte d'Ivoire is slated for debate in Committee and passage in Plenary Session by the National Assembly by 23 December 2004. By the passage of these laws in the Assembly, all the legislative requirements stemming directly from the Linas-Marcoussis Agreement would have been completed by the legislature.

IV. Humanitarian and Human rights developments

24. It was reported that in the West and North of the country, local populations and humanitarian actors had suffered from a general lack of respect for international law by the belligerents and there was a general demand for reinforced security and protection, particularly within the Zone of Confidence. From recent assessment missions conducted in Guiglo, Korhogo, Bouake and Abidjan, some of the major concerns had been in the areas of protection, health and nutrition, water and sanitation and education. The latest events of November 2004 resulted in a new wave of displaced persons, internally and across borders. Assessment missions carried out by OCHA, UNICEF and WFP indicated that over 2500 internally displaced persons have been assembled in Prikro and Mbahiakro. There were also major concerns over the lack of food, clean water and sanitation. There had also been reports of an increasing number of IDPs coming to Abobo (in Abidjan) from Bouake.

V. Conclusion

25. In spite of misgivings raised by the events of November 2004, there has been remarkable progress in the implementation of the peace process by President Gbagbo and the National Assembly. These positive developments, should they be maintained, could be taken into consideration by the UN Security Council and by the AU Peace and Security Council, scheduled to meet on 10 January 2005.

26. As things currently stand, attention is focussing on the implementation of the next stages of the Linas-Marcoussis and Accra III Agreements. These are disarmament, the restoration of the territorial integrity of Côte d'Ivoire, and the redeployment of the civil service nationwide, thereby creating a conducive environment for unfettered progress towards free and fair elections in 2005.

Signed on behalf of the Group

(*Signed*) Ambassador Raph **Uwechue**
Chairman

17 December 2004

Annex II

[Original: English]

Implementation of the Accra III Agreement

Tenth report of the Monitoring Group

Covering the period from 18 December 2004 to 15 January 2005

I. Introduction

1. The present report is prepared pursuant to the Accra III Agreement of 30 July 2004, which requested the Tripartite Monitoring Group to submit fortnightly reports on the situation in Cote d'Ivoire and on the progress made towards the implementation of the Accra III Agreement. This report covers major developments between 18 December 2004 and 15 January 2005.

II. Overview

2. During the reporting period, the security situation remained relatively calm though still unpredictable. The situation in the Zone of confidence remained tense, especially in the West, where numerous ethnic clashes and crimes by armed groups were reported. Rumours of a coup d'etat fed wide speculations over the uneasy calm which had set into the general political situation during the festive period and New Year celebrations.

3. A three-week trial run of mixed patrols involving CIVPOL and the Ivorian Defence and Security Forces started operations on 22 December 2004 in various quarters of Abidjan. These arrangements had been agreed during consultations under the auspices of the Prime Minister, the Minister of Security and the Minister of Defence. These trial operations were to be reappraised in the light of experience on the ground. So far the experience appeared to be useful and effective in security management.

4. Elsewhere, the general political situation in this period had been dominated by the expectations of how the sanctions under Security Council Resolution 1572 (2004) of 15 November 2004 were going to be applied and felt in the country. Various political forces were quick in apportioning blame and trading accusations among themselves over the responsibilities for the obstacles in the peace process. They were equally eager to see the outcome of the Summit of the AU Peace and Security Council which was scheduled for 10 to 11 January 2005 in Libreville (Gabon). As the summit ended on 10 January 2005, President Mbeki continued his mission to Cote d'Ivoire for the day of 11 January 2005. Given the race against time, President Mbeki was only able to meet briefly with the President, the Prime Minister and members of the Council of Ministers. The Forces Nouvelles did not attend the meeting invoking their security concerns. Details and overall outcome of the Mbeki Mission are eagerly awaited.

III. Developments in the peace process

Changes in the RTI

5. On 24 December 2004, President Gbagbo signed a decree changing the present status of the RTI into a fully state-owned corporation. The decree also changed the composition of the Board of Directors. Out of its 12 members, seven would be nominated by the President. Oulaï Siene, an ex FPI Minister of Justice, was appointed Chairman of the Board. Following some protest, the former Managing Director, Kebe Yacouba, who had been relieved of his functions during the events of 4 November 2004, had in the second week of January 2005, been reinstated in his office. These changes caused concern in the opposition camp because they were seen to be attempts by the President to ensure a firm control over the media, contrary to the letter and spirit of Linas-Marcoussis which called for institutionalizing freedom of information under a new democratic dispensation. In that regard, the new changes in RTI were interpreted as contrary to the implementation of the Mbeki plan of action which aims at measures to ban the hate media and improve the overall environment for political security and institutional stability.

Council of Ministers

6. No Council of Ministers had been planned for the period under review as had been formally announced by the Government in view of the Christmas and New Year recess. However, on 11 January 2005, an emergency meeting of the Council of Ministers was convened in Yamoussoukro by the Prime Minister in consultation with the President to engage in discussions with President Mbeki following the Summit of the African Union Peace and Security Council in Libreville. The Forces Nouvelles Ministers, however, did not attend the meeting invoking security problems.

The African Union Facilitation Mission

7. The Peace and Security Council (PSC) of the African Union (AU) met at the level of Heads of State and Government, in Libreville, Gabon, on the 10 January 2005, to discuss the situations in Côte d'Ivoire, the Democratic Republic of Congo and the Darfur region of the Sudan. The deliberations of the Council on Côte d'Ivoire took place on the basis of the mediation mission undertaken, in the name of the AU, by President Thabo Mbeki of South Africa.

8. President Mbeki made a verbal report to the Council. He spoke of the various stages of his Mission on the basis of the framework of measures, his indicative Matrix of Actions and Timelines, which had received the broad support of all the Ivorian political actors. He gave a review of the four major clusters of issues on which implementation was needed. On the legislative programme, he welcomed progress made with the active cooperation of President Gbagbo and the President and deputies of the National Assembly. There were, however, reservations voiced by the opposition over the non-conformity of certain texts of legislation with the letter and spirit of the Linas-Marcoussis Agreement. These reservations, he hoped, could still be addressed with the assistance of the Monitoring Committee and the National Assembly. Of major significance was the text of the Amendment to Article 35 on eligibility to the Presidency. Whilst welcoming the prompt manner in

which the text was voted with overwhelming majority in the Assembly, there were still some seething concerns. President Mbeki felt that it was only by ensuring its final approval along the lines envisaged under the Linas-Marcoussis Agreement that the sensitive political controversy at the heart of the peace process could be resolved. Thus, as he pointed out, the issue was not just a mere recourse to the constitutional or legal requirement of a referendum. It was even more essentially, in the context of a resolution of the crisis, a question of bringing to bear political will and action to secure an outcome which would reflect the consensus at Linas-Marcoussis. More time would be needed to achieve these objectives in the context of the legislative programme.

9. On DDR, he acknowledged the serious difficulties ahead in securing agreement on how to start up the process. The current political climate and the deepening loss of mutual confidence between the belligerent forces required reinvigorated efforts at mediation and suasion. A revised timeframe would be required after due consultations.

10. On the question of the functioning of the Government, he recognized the efforts of the Prime Minister in the face of the hardened position of the Forces Nouvelles Ministers in returning into the Government. Efforts were being made with the assistance of ONUCI to give guarantees of security to the Ministers. On creating a climate conducive to the normal functioning of State institutions, here ONUCI was acknowledged for its cooperation with the Defence and Security Forces to enhance general security. Joint patrols were being undertaken. There had been some improvement in keeping the activities of the militants off the street. Unfortunately, reports of the restructuring of the RTI and the incidence of hate propaganda continued to give cause for much concern.

11. President Mbeki indicated his determination to continue his mission in Cote d'Ivoire to secure a good basis for the implementation of the peace agreements. He would proceed direct from Libreville to Cote d'Ivoire on Tuesday 11 January 2005 to meet with the Ivorian President, the Prime Minister, the Council of Ministers and all major political leaders, in particular the Forces Nouvelles.

12. President Laurent Gbagbo was invited to make a presentation to the Summit. He expressed his gratitude to the Council for authorizing the facilitation mission of President Mbeki. President Mbeki's Mission had been received in a full surge of political will and support. This augured well for the peace process which had therefore benefited from a lease of renewed momentum. On his part, President Gbagbo declared, he had lent full cooperation to implement President Mbeki's programme of measures and action. He had accelerated the adoption of the pertinent legislative texts, including in particular that on Article 35. Those which were yet to be considered were due to delays caused by the boycott or absence of certain opposition Ministers, especially those of the Forces Nouvelles. Nonetheless, President Gbagbo announced his intention to ensure that all the remaining legislative texts were considered and adopted by the National Assembly at its extraordinary session. To that end, there was need for an extension of time to the beginning of February 2005, as proposed by President Mbeki.

13. President Gbagbo stressed his disappointment over lack of progress on the DDR due to the vacillations of the Forces Nouvelles. He appealed to the Council to help him achieve this priority goal which would lead to territorial reunification and create conditions conducive to the holding of the

Presidential elections in October 2005. It was in the light of these objectives that he had accelerated the process of the parliamentary adoption of the text on Article 35. In the considered view of President Gbagbo, there was no alternative to resolving the issue of Article 35 except by the strict constitutional procedure of a referendum. Following certain protests, however, he had sought and was awaiting to receive the opinion of the Constitutional Council on this question.

14. On the range of other issues, President Gbagbo referred to measures taken on RTI where he had sought to establish a management of the media due to the recent military upheavals. He had, however, reinstated the former Managing Director of the RTI in response to certain remonstrances. President Gbagbo gave the assurance that he was looking forward to working further with President Mbeki to resolve any outstanding and contentious issues in the peace process. He did not fail to hark back on the recurring allegation that the obstacles to peace had been brought about primarily by the "rebels" the Forces Nouvelles who sought any pretext to shift the goal posts in the peace process.

15. In the exchanges at the Council, there emerged the following concerns over (i) Article 35 and the proposed referendum; (ii) the arms embargo decided by the UN Security Council; (iii) DDR; (iv) the political and security climate conducive to the implementation of the peace measures. President Gbagbo was urged by some leaders to avoid going to a referendum on Article 35 by promulgating the adopted text into law and in response to the calls for alternative options besides the strictly constitutional or legal approach. In any event, during the exchanges at the Council, there appeared to have been general concern over how to evolve a political approach to the issue.

16. On the arms embargo decided by the UN Security Council, the leaders sought assurances over how to monitor its observance and implementation. President Gbagbo declared that his Government was concerned over how to stop the flow of arms to the "rebels" coming especially from the Western and Northern frontiers of Cote d'Ivoire which shared borders with the zones under the control of the Forces Nouvelles.

17. As regards the impasse over the start-up of the DDR process, there was general concern over the continued refusal of the Forces Nouvelles. On the one hand, in spite of their legitimate concerns for security guarantees, they were to be urged to cooperate and be flexible in their approach. President Mbeki was urged to exert as much pressure as possible to ensure that the Forces Nouvelles were persuaded to begin the process as planned through the instrumentality of the CNDDR. On the other hand, President Gbagbo and FANCI were also being persuaded to play their part in creating conditions which would defuse the climate of deep mutual distrust among the protagonists and belligerents. The leaders were generally in support of the proposal by President Mbeki to negotiate and determine a new timeframe for the start-up of the DDR process.

18. On the general political and security environment, the leaders acknowledged the critical factor of confidence building through banning the hate media, the dismantling of the militias and fostering freedom of information and equal access of all to information throughout the national territory. These were considered as building blocks for a secure foundation of national reconciliation, tolerance and the observance of human rights.

19. The leaders acknowledged the increasing role of ONUCI in reinforcing security in accordance with its mandate. However none could escape the fact that ONUCI required new and additional resources to substantially increase its strength. A good beginning had already been made in the establishment of joint patrols with FANCI in parts of Abidjan and its suburbs. The immediate priority is to ensure reasonable conditions of safety for the resumption of the work of the Government of National Reconciliation.

20. Out of the exchanges, there was a general approval and endorsement of President Mbeki's Mission and his road map. He was given the latitude to continue his mission and to determine as far as he could go with changes in the timeframe for ensuring compliance with and implementation by all political actors of the Programme of Work. This had to do with the extension of time to enable advances in the legislative programme, the DDR, the effective resumption of the functioning of the Government of National Reconciliation and creating the climate and conditions conducive to the restoration of peace and stability in Cote d'Ivoire.

21. The terms of the agreed Final Communiqué issued at the end of the Summit (English and French versions hereto attached) reflect the foregoing general understanding among the leaders. The elements of the Communiqué take their central theme from the Mbeki Matrix or Plan of Action, with relevant details fleshing out what specific actions were called for to implement the road map to peace. Consequently, it must be carefully noted, paragraph 12 of the Communiqué requests the UN Security Council to defer the entry into force of individual sanctions envisaged under operative paragraphs 9 and 11 of Security Council Resolution 1572 (2004) of 15 November 2004 "to enable the Ivorian parties to provide proof of their willingness to implement the proposals" listed under the Mbeki Plan.

22. Mention should also be made of the proposal in the Communiqué, in its paragraph 15, which states as follows: "President Mbeki will be assisted by a Special Envoy of the Chairperson of the AU, the Monitoring Group established by the Accra III Agreement, ... as well as the AU Liaison Office in Abidjan, which should be strengthened accordingly...."

The Legislative Programme

23. On Monday 20 December 2004, the Commission on General Affairs and Institutions of the National Assembly unanimously adopted the draft organic legislative text relating to the organization of a referendum. Opposition deputies from PDCI, UDPCI and the Solidarity parliamentary groups, however, questioned the rationale of examining this draft text in view of their underlying reservations over the principle or political necessity of holding a referendum on Article 35. According to the opposition, the adoption of this draft text was not urgent and there were other important issues to be addressed such as the reunification of the country and the identification process. On 23 December 2004, the National Assembly rejected the draft text by a vote of 108 with 89 abstentions and one invalid ballot. However, according to the Ivorian Constitution, the draft legislative text relating to the organization of a referendum could be resubmitted within a period of three months.

Functioning of the Government of National Reconciliation

24. In the period under review, it had not been possible to persuade the Ministers of Forces Nouvelles to return to Government, in spite of the tireless efforts of the Prime Minister. Among the reasons advanced for their refusal, the Forces Nouvelles insisted on full-proof guarantees for their security in Abidjan.

IV. Conclusion

25. Following the outcome of the Summit of the AU Peace and Security Council and the most recent segment of the Mbeki Mission to Cote d'Ivoire on 11 January 2005, all eyes are on President Mbeki to continue his talks, fix the new timeframes for the implementation of the legislative programme, the DDR, and for the African Union to forward his report to the Secretary-General and the Security Council on the deferment of the individual sanctions to be determined by the latter. At this stage, the success of the Mbeki Mission will largely depend on how long into the immediate future, he would enjoy the grace period for his mission from the Ivorian political stakeholders, still jockeying for advantageous positions, *vis-à-vis* the impending elections. In this particularly delicate and onerous task, President Mbeki deserves the full and sustained support of the international community, for the effective implementation of the Peace Plan.

Signed on behalf of the Group

(*Signed*) Ambassador Raph **Uwechue**
Chairman

15 January 2005